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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/505,383

08/20/2004

Peter J Dronzek JR.

181-039

7142

7590 02/07/2007  
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EXAMINER

AHMAD, NASSER

ART UNIT

PAPER NUMBER

1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/505,383

Applicant(s)

DRONZEK ET AL.

Examiner

Nasser Ahmad

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-97 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Rejection Withdrawn***

1. Claims 1-44 and 89-92 are rejected under 35 U.S.C. 112, second paragraph, made in the last Office Action of 7/6/2006 has been withdrawn in view of the amendment filed on 11/15/2006.

### ***Rejections Maintained***

2. Claims 1-4, 7-15, 18-26, 29-37, 40-48, 51-59, 62-70, 73-81, 83-88 and 97 are rejected under 35 U.S.C. 102(b) as being anticipated by Egan (4544590) for reasons of record made in the last Office Action of 7/6/06.

3. Claims 5-6, 16-17, 27-28, 39-40, 49-50, 60-61, 71-72 and 82-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egan in view of Kobe (6780484) for reasons of record made in the last Office Action of 7/6/06.

4. Claims 89-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egan in view of Grabau (7045186) for reasons of record made in the last Office Action of 7/6/06.

5. Claims 1-97 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-53 of copending Application No. 10/505392 for reasons of record made in the last Office Action of 7/6/06.

### ***Response to Arguments***

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6. Applicant's arguments filed 11/15/2006 have been fully considered but they are not persuasive.

Applicant argues that *the Examiner did not acknowledge that the Egan construction provides releasable layers that have constant adhesion to one another across the total surface which makes it difficult to raise an edge in order to begin to remove the removable portion*. This is not found to convincing because said feature has not been claimed.

In response to the argument that *Egan does not mention the use of variable surface treatment as a technique for modifying the adhesion at an interface which is at one side of an adhesive while the interface at the opposite side of the adhesive layer is not modified*, applicant should note that claim 1 fails to teach the argued feature and said feature cannot be read thereinto for the purpose of avoiding the applied prior art.

Applicant is further directed to pending claim 1 (filed 11/15/2006) which recites:

"wherein the removable diecut piece is provided with a pattern of selective variable adhesion through variable surface-treatment of the lower surface of said first thin layer (i), the upper surface of layer (ii) or both of said surfaces such that the adhesion at separable interface B is always less than the adhesion at permanent interface A". It is noted that in said passage, as quoted, the feature of **both of said surfaces such that the adhesion at separable interface B is always less than the adhesion at permanent interface A** is met by the Egan reference as it teaches that the adhesion at the separable interface B is always less than at the permanent interface A as the interface B is a release layer and the interface A is an adhesive. Further, applicant is

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reminded that said passage also directed to the surfaces being the lower surface of first film (i) and the upper surface of the second film or layer (ii).

Applicant also argues that *the claims of the present application point out that the interfaces on either side of the adhesive layer are different. For example, element 16 in Fig. 1 shows interface A above adhesive 16 and interface B which is at the lower surface of adhesive layer 16 and the claim language point out that the interfaces have different adhesion for the same adhesive because only one surface of the layer that contacts the adhesive layer is treated to allow for separation of the layers. This concept is not disclosed by Egan who thermally laminates two plastic films, i.e. sheet 1 and sheet 2 (col. 9, lines 38-41) using a thermal lamination technique which is based on placing a release coating in a pattern between the two plastic sheets. The claims of the present application uses an adhesive and variable surface treatment on at least one sheet to provide a structure that may be readily separated when desired. For these reasons, it is requested that this ground of rejection be withdrawn.* This is not deemed to be persuasive because the above explanation apply *a fortiori* herein. Applicant is informed that, contrary to applicant's position, the claims are limited to the structure shown in figure-1.

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With regard to applicant's argument for *claims 89-96 were rejected under 35*

*U.S.C. §103(a) as being unpatentable over Egan in view of Grabau*, the explanation for Egan apply *a fortiori* herein. Further applicant's acknowledgement is noted that Grabau Patent discloses the concept of embedding an RFID device into a label.

For the double patenting rejection, applicant's request that *since this is a provisional rejection because no claims have been allowed in the copending application, it is requested that this ground of rejection be held in abeyance pending the allowance of copending application Serial No. 10,505,392* is noted. However, in the absence of overcoming said double patenting rejection, said rejection is being maintained.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the claimed invention is anticipated or rendered obvious over the prior art of record discussed hereinabove.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on Monday through Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Nasser Ahmad 2/5/07  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
February 5, 2007.